

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN GAY ANN MASOLO**, on January 12, 2001
at 3:00 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Gay Ann Masolo, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Bob Lawson, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Verdell Jackson (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Jeff Mangan (D)
Rep. Joe McKenney (R)
Rep. John Musgrove (D)
Rep. Alan Olson (R)
Rep. Ken Peterson (R)
Rep. Butch Waddill (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB193, 1/17/2001; HB103,
1/17/2001; HB164, 1/17/2001
Executive Action: HB32

The **CHAIR** asked that if you are going to be absent for a vote, please get a white copy form of the proxy from you vice chairman.

HEARING ON HB 193

SPONSOR: REPRESENTATIVE FRANK SMITH, HD 93, Poplar

Proponents: Lynda Brannon, MASBO AND IISM
Kathy Fabiono, OPI

Opponents: Eric Feaver, MEA-MFT

Informational: Loran Frasier, SAM

Opening Statement by Sponsor

REPRESENTATIVE FRANK SMITH, HD 93, Poplar, said the purpose of the bill was to raise the reimbursement rate for individuals transporting students to school from 21.5 cents to 32 cents a mile. **EXHIBIT (edh09a01)** Most of this travel mileage is done on gravel roads and the 32 cents a mile will not cover the actual expense for transporting the students. We do not have a fiscal note. Transportation comes out of both state and county funds.

Lynda Brannon, MASBO and IISM We had no input in this bill but we support it. What it does is raise the individual contract amount that goes to the people who drive their kids to school. This doesn't increase the district taxes at all. The fiscal note will show that it raises the amount the state and the county are paying. Those amounts have not been raised for many years. It is costing parents money to bring their children to school. Transportation contracts have to go through the county transportation committee. I would imagine that the Fiscal Note will read something like \$1.7 million

Opponents: None

Information Witness:

Mr. Frasier, SAM, I was looking at a 1989 law book and the transportation cost was set at 21.5 cents. I believe this needs to be changed. I call to your attention that there are two other bills that will be introduced that deal with this amount. **HB 162** is one of them. People who live in rural areas do need an increase. I believe when **Lynda Brannon** quoted \$1.7 million, she was referring to the other two bills in appropriations. I believe the cost for this bill is about 160, or 170 thousand dollars.

Kathy Fabiono, OPI, The two bills **Mr. Frasier** was referring to are **HB 162**, which has an increase from 21.5 cents to 25 cents, and **HB 163** which I believe does not have an increase but I am sure it will soon. The cost covering those two bills is believed to be about \$1.7 million. I do not know if that is the state cost or county and state. The fiscal cost for **HB 193** is about \$168,000.

Questions from Committee Members and Responses:

REPRESENTATIVE OLSON for **Mr. Frasier**: What is the average cost to run a school bus verses a individual transportation contract?

Mr. Frasier replied, The cost is about \$2.00 a mile.

REPRESENTATIVE OLSON asked what the reimbursement is per mile.

Mr. Frasier said that right now it is 85 cents a mile.

REPRESENTATIVE OLSON The individual per mile is considerably cheaper than running a school bus.

REPRESENTATIVE JACKSON questioned the **Sponsor**. Give us some background on this. Are we talking about parents taking one child or taking more than one child? **REPRESENTATIVE SMITH** replied that would be up to the Transportation District. In fact, this whole bill is up to the Transportation District.

Closing by Sponsor: None

HEARING ON HB 103

Sponsor: **REPRESENTATIVE ALAN OLSON, HD 8, Roundup**

Proponents: **Bill Cooper, OPI**
Loran Frasier, SAM
Dave Puyear, MREA
Wayne Buchanan, BPE

Oponents: **Eric Feaver, MEA-MFT**

Opening Statement by Sponsor:

REPRESENTATIVE OLSON, HD 8, Roundup was asked by **OPI** to carry this bill. It has to do with amending Montana Code 20-7-101, it requests allowing multi-year accrediting of schools, and providing for accrediting 7th and 8th grades, funding at the high school rate. The recommendation came from the task force appointed by the Board of Public Education. Task force members were drawn from **MEA-MFT, MSBA, MREA, MPTO**, county superintendents, **Board of Public Education**, and **OPI**. There was a

geographical mix on the task force as well as representatives of large, middle and small school districts. The passage of this bill would give the **Board of Public Education** the authority to develop rules and guide lines to permit schools who wish to do so to apply for multi-year accreditation. The final authority to grant multi-year accreditation will rest with **BPE**. There are approximately 900 schools in Montana who annually apply for accreditation from **BPE** through **OPI**. Traditionally the accreditation process has been a self reporting data on a set of input criteria, such as the number of students per classroom teacher, the number of libraries, etc. The process is self reporting. **OPI** has two full time employees charged with receiving and evaluating the data and making recommendations to **BPE** for action. Many school districts are now involved with an alternative method of accreditation that puts more emphasis on output such as how well their students are doing, what a community wants and the needs of their students. Monitoring for alternative accreditation is even more demanding of time and educational expertise than the traditional accreditation process. Both processes require time if they are to be done well. Spreading out the accreditation over three years will allow schools and **OPI** to do a better job in assisting schools with accreditation processes and will reduce the paper work required of schools who choose the multi-year accreditation. With the reduction of time spent on the yearly recording and the paper work associated with it, schools will have more time to meet the needs of their students.

Proponents' Testimony:

Bill Cooper, OPI, **OPI** is putting forth this bill at the recommendation of the task force mentioned by the **SPONSOR**. The only change in this bill is that currently **BPE** is restricted by current law to give the school accreditation for more than one year at a time. The only thing that changes is the number of years of accreditation. The accreditation authority still rests with **BPE** and they will determine who is eligible for multi-year accreditation and **BPE** has the authority to develop the rules. Those rules would go through the normal hearing process and the decision still lies with **BPE**. **OPI** rises in support of this bill.

Wayne Buchanan, Executive Secretary for BPE. The reasons for the bill are pretty self evident. We are always looking for ways to cut the bureaucracy and this is one way to do it. Theoretically if all the schools could qualify for multi-year accreditation then you could cut it by two thirds. That's not going to happen. It gives the board the leeway to do that. We rise in support of the bill.

Lance Melton, MSBA, rises in support of the bill.

Dave Puyear, MREA, his organization served on the task force and supports the bill.

Loran Frazier, SAM, supports the bill.

Opponent's Testimony:

Eric Feaver, MEA-MET, I did serve on the task force, but I must stand in opposition. We didn't see the bill when working on the task force. What I am concerned about is what I see as the largest problem in our schools today, and that is the quality of our instructors. We have school districts today that are hiring teachers who have not graduated from college and hiring certified teachers not qualified to teach in the area they are teaching. We have school districts hiring students teachers to supply core instruction. There are a number of districts, districts you represent, that are doing this now. Annually the BPE reviews those districts and in most cases the districts are put on accreditation with deficiencies. He read section 20-4-101 from school law. Not all schools follow the law. I would insert in sub-section 2, after the words "a school may be accredited for a period of 1, 2, 3 years", the words, except that a multi-year accreditation must not be granted to schools not in compliance with section 20-4-101 of School Law.

Question from Committee Members and Responses:

REPRESENTATIVE LEHMAN FOR **REPRESENTATIVE OLSON**, No where do I see in this bill who it is that makes the decision about whether the school is accredited for 1, 2, or 3 years. **REPRESENTATIVE OLSON** referred the question to **Mr. Buchanan**. The process is that the **Office of the Superintendent of Public Instruction** makes a recommendation to the **BPE**. I would assume under this bill, they also would recommend accreditation for 1, 2, or 3 years. Then **BPE** acts upon the accreditation. **REPRESENTATIVE LEHMAN** questioned further. If you look at line 17 it indicates that notification of the accreditation status for the applicable school year or years given the district, it does not say who makes that notification. Is it the school district, the **OPI**, or the **BPE**. **Mr. Buchanan** said that normally it is the **Superintendent of Public Instruction** that notifies the board of the action it has taken. **REPRESENTATIVE LEHMAN** said he doesn't think that his question has been answered, anywhere that he can read. **REPRESENTATIVE LEHMAN** referred his question to **Mr. Cooper**. **Mr. Cooper** said the only thing that changes in this specific bill is allowing for multi-year accreditation. The decision to give that accreditation will be done just like it is done now for the

one year. The rules developed for this bill will go through a public hearing process. The leg work is done by **OPI** and they provide to the **BPE** the findings. The **BPE** makes the decision whether to accredit in any of the four categories that we currently have for accreditation. When this law is put into rule, the **BPE** will be that entity who decides who gets multi-year accreditation and it will leave it open to a school district to apply for multi-year accreditation. The district may make that suggestion but the **BPE** must develop the rules that the particular school district would have to follow to be eligible for that request. If the amendment suggested by **Eric Feaver**, or a similar amendment was put into the bill, it would then be part of the rules established by the **BPE**. You would not be eligible for multi-year accreditation if you did not meet the criteria, for example suggested by **Mr. Fever**. It doesn't specifically say in this law now what the rules are that the **BPE** follows. There are no rules to change. The rules must be changed through the rule making process.

REPRESENTATIVE MUSGROVE questioned **Mr. Cooper**. Is there a provision for oversight if a problem arises with a school that has a three years accrediting? What happens? **Mr. Cooper** replied that is the kind of criteria that would be in the rules created by **BPE**. There would be provisions to bring a school who has been granted accreditation and has been found violating the rules before **OPI** or **BPE** or through **OPI** to **BPE**. **REPRESENTATIVE MUSGROVE** asked if it would muddy the intent of the bill if he offered an amendment that would clarify the intent of **REPRESENTATIVE LEHMAN** and **REPRESENTATIVE MUSGROVE**'s concerns? **Mr. Cooper** said it would not muddy **Mr. Cooper**'s waters.

REPRESENTATIVE BRANAE questioned **Mr. Cooper**. How many schools do not meet full accreditation and what are the reasons for that happening? **Mr. Cooper** said in the school year 1999-2000 there were 451 elementary schools granted regular accreditation, 23 were granted with advise and 9 were with deficiency. In the 7th and 8th grade level there were 141 granted regular accreditation, 36 granted accreditation with advise and 8 granted with deficiency. The major reasons for deficiencies in the past have fallen in the areas of guidance and counseling, offering of foreign languages, and the certification and endorsement of instructors. **REPRESENTATIVE BRANAE** continued. Do you see any trends, as time goes on, with these schools that do not meet accreditation that they can address those problems and overcome them? **Mr. Cooper** said with most schools when a deviation is brought to their attention, the school tries to correct it in a year. Some take a couple of years. Sometimes schools correct it and then a year later they might be back in trouble. More and

more schools are getting in trouble and it has to do with the resources available.

REPRESENTATIVE GALVIN-HALCRO questioned **Mr. Feaver**. Even with your proposed amendment, could a school that was in compliance and granted a 3 year accreditation fall behind in the second year of their accreditation and not be caught until the 4th year when it was up for renewal and it came back into compliance so this could go on into a 4 year period. It would be the 4th year when discovered. Is this not true. **Mr. Feaver**, answered yes.

REPRESENTATIVE LEHMAN questioned **Mr. Feaver**. It seems to me if **BPE** is doing it's job based on the recommendations made by **OPI** in terms of accreditation based on reports turned in, it would be incumbent on **BPE** to uphold the law and not give accreditation to school districts at any level, if in fact, they are hiring or employing non-certified personnel or mis-assigned personnel. If that is true, your amendment would not be necessary, would it? **Mr. Feaver** said I am not sure we can rely on the fall reports from the school district to tell the truth. Basic information to the **OPI** that would trigger a recommendation for a deficiency or advise may not even be there. **OPI** doesn't have the personnel or the capacity to go out and do the leg work to investigate matters. My organization reports faithfully what we know to be true in the districts. **REPRESENTATIVE LEHMAN** continued. I believe that **Mr. Feaver's** concerns are real and they are mine also.

REPRESENTATIVE MUSGROVE had a question for **Mr. Cooper**. If this bill was to be implemented, how will **BPE** gather data for the school with extended accreditation? **Mr. Cooper** said our office gathers a great deal of information from all over the state that is passed on to the people making accreditation decisions. We are at the mercy of school districts, in that we must hope that they are honest when they file their reports. **REPRESENTATIVE MUSGROVE** questioned further. With that data is there a rise in instances of misaligned accreditation? **Mr. Cooper** said, yes there is. **Mr. Feaver** does relay his information to our office when the rules are violated. Currently we have 24 schools across the state of Montana that will be having problems this spring in the area of accreditation and risk being put on advise or deficiency.

REPRESENTATIVE JACKSON had a question for **Mr. Cooper**. I also suspect the amendment offered by **Mr. Feaver** is redundant. Do you feel that it would help the **State Board of Public Instruction** or local school districts to do a better job to state this citation in several different places or that one is sufficient. **Mr.**

Cooper said I don't think it hurts to have it cited in more than one place. **OPI** would not be apposed to an amendment such as **Mr. Feaver** suggested.

REPRESENTATIVE JACKSON, questioned **REPRESENTATIVE OLSON**. Did you say in your opening, that this bill might improve the accreditation standards? **REPRESENTATIVE OLSON** replied. Multi-year accreditation is not new in Montana. **Northwest Association of Schools and Colleges** brought it to the state about five years ago. I like to think of them of as a prestigious accrediting organization. We ended up in Montana with the Montana Improving Schools Through Accreditation, **MISTA**. process. Currently Havre High School has received that accreditation. It is a five year accreditation through the **Northest Association**. There are other schools in the state who have received such accreditation. Other schools in the state are working on that process. It is a lengthy and very involved process. It brings the community into the system.

Closing by Sponsor:

REPRESENTATIVE OLSON **BPE** does have the power to do what needs to be done as far as oversight on the multi-year accreditation. Under 20-2-121, powers and duties of the board, they have the power to adopt standards of accreditation and establish the accreditation standards of every school in accordance with the provisions of a couple other statutes. This multi-year accreditation is definitely going to be a benefit to education in Montana. It is going to be an involved process. **BPE** has worked with the Northwest Association and has established multi-year guidelines. The only problem is, in current statute, they cannot grant multi-year accreditation. Current statute says one year. The guidelines are in place and I believe **BPE** will be able to adopt the standards that we need. I wish the bill would have said 5 years. I urge your support.

HEARING ON HB 164

Sponsor: **REPRESENTATIVE ALAN OLSON, HD 8, Roundup**

Proponents: **Lynda Brannon, MASBO and IISM**
Loran Frasier, SAM
Lance Melton, MSBA,
Eric Feaver, MEA-MET
Madalyn Quinlan, Chief of Staff, OPI

Opponents: None

Informational: Dave Puyear, MREA

Opening Statement by Sponsor:

REPRESENTATIVE OLSON, HD 8, Roundup, brought the bill to the committee at the request of **OPI. HB 164** eliminates the 4% growth limitation which applies to school districts that adopt a general fund budget that is greater than the base or minimum budget and less than the maximum general fund budget. The effect of removing the growth limitation is to allow school districts to adjust their base within the base and maximum budget range. While the budget growth limitation would be eliminated as a result of this bill, the local board of trustees and the local voters would still have to approve a tax increase necessary to fund the increase in the general fund budget.

Madalyn Quinlan, OPI, EXHIBIT (edh09a02), This bill has only one section in it and it is the section of statute that establishes the base and the maximum budget for the general fund school districts. What you see in the word section is, "the trustees of the district shall adopt a general fund budget that is at least equal to the base budget established for the district and acceptance provided in sub-section 23 does not exceed the maximum budget. Section 2 of the bill is the area that addresses the budget limitations for school districts that are in the equalized range. The budget is not more than the maximum. What we are looking to do here is to remove a budget limitation that exists within sub-section 2 of 20-9-308. The bill tries to address three problems that we see here. First, the 4% gross limitation that is imposed on school districts who are adopting a budget between the base and the maximum, conflict in concept with the amendments that were adopted by the 1999 Legislature. Prior to 1999, school districts were required to receive voter approval for any increases in general funding authority. In 1999 the legislature amended sections of school law so that we are now voting on tax increases to support schools. We are not voting on budget authority. We are voting on property increases to fund the district general fund budget. When those changes were made in 1999, the statute was retained that has this 4% growth limitation on the general fund budget. At present those districts in the equalized range, between the base and the maximum, have both a 4% budget growth limitation and a revenue limitation in that the voters have to approve a tax increase. We think that it is appropriate that the 4% budget growth limitation be removed from school law and the school districts will still need to receive voter approval for new tax increases associated with growth in their budget. I want to point out that nothing in these amendments allows the school district its maximum general fund budget. The second point that we are trying to address here

is that there are a number of school districts across the state that were not able to take full advantage of the funding increases that were provided by the special session last May. There were schools where the voters had already approved a tax increase. The school election was held the first week in May and later the legislature came in for the special session. Voters had approved a tax increase to support the 4% growth limit and then the legislature provided additional funding. Those districts, who had already voted, weren't able to combine both the voter improved tax increase and the legislative increase and so they were forced to put the money received into property tax relief. They weren't able to expand their budget past the 4% that was established by law. The third point I want to make is how

district budgets move between the maximum and the base range should be left to the local school board and the local voters. It should be their determination. The state's interest is in the area of equalization. That we why we have minimum budgets for districts and maximum budgets for districts and we're trying to limit expenditure disparities. It is appropriate that if the local voters are willing to approve a tax increase, the school district budget should be able to move within the base and maximum range. That decision should be left to the local voters. The state's interest should be on maintaining a system of equalization. Finally the existing 4% limitation creates an incentive for districts to grow their budget a full 4% every year so they don't lose ground going into the next year. If districts could move more freely, with voter approval, between the base and maximum then local school boards would have the flexibility to adjust the district general fund budget from one year to the next to respond to local needs.

Lance Melton, MSBA, As you may recall, those of you who were on this committee last session, **REPRESENTATIVE LAWSON** introduced the amendment that **Madalyn Quinlan** spoke about. All this really does is, it puts it squarely in the hands of the tax payers. If they think their school needs a 5% increase in the budget, they can support one. It is equally important to talk about the fact that in the same bill that **REPRESENTATIVE LAWSON** wrote the accepted amendments, schools only have one opportunity to run a levy each year. If that levy fails, it is over. They can't come back and run another one. So school districts aren't going to go hog wild and ask for pie in the sky, knowing full well that is their one request to voters to get any increase whatsoever. We urge your support of this bill.

Eric Feaver, MEA-MET, rises in favor of the bill. Local control, local voters, the state really should not care between base budget and maximum budget.

Lynda Brannon, MASBO, said the organization represented is in support of the bill.

Dave Puyear, MREA, Our organization rises in support of the bill.

Loran Frasier, SAM, This bill is long overdue. There aren't many school districts that can go over the 4%. We support the bill.

Wayne Buchanan, BPE, It did make sense in 1967 when the 4% limit was put into statute. It is not needed now. The organization supports the bill.

Opponents: None

Questions from Committee Members and Responses:

REPRESENTATIVE JACKSON for **Madalyn Quinlan** Did I hear you say that what you are talking about is going from the base which is 4% to a maximum which is 5%? **Ms. Quinlan** said no. **HB164** affects the last 20% of the budget. The base budget is the first 80%, and the last 20% is totally funded with local monies.

REPRESENTATIVE JACKSON asked, what is the maximum budget? **Ms. Quinlan** said the maximum budget is set in statute and it is based on the basic entitlement that every school district gets and a per student amount that every school district gets plus you add in special education funds they receive. That determines the maximum budget for each school district. In general, a district cannot exceed the maximum budget and they have to adopt a budget that is at least the base budget. The law, right now, says those districts between the base and the maximum can only grow by 4% a year. This bill would take away that 4% limitation and with voter approval they could move about in that 20% area.

REPRESENTATIVE JACKSON questioned her further. Between the last session and now, there were an additional forty six million dollars available. It seems like the ones that could not use that money were the districts that had school levies. Were there any schools that did not have levies that could not use the additional money? **Madalyn Quinlan** said, yes, they could get money in the base money and a bit in the 20% area. **REPRESENTATIVE JACKSON** said that he understands that under the present formula the district budget grows by 4% a year. Even if the district could hold the budget the same, it wouldn't want to and be penalized later. Do you agree with that? **Madalyn Quinlan**, I think this statute provides an incentive for the district to go the full 4% each year for those districts that still have the ability to do so. It is like a security, so they can go into the following year, with protection. **REPRESENTATIVE JACKSON** asked if the school received some federal money during the year, could they still use these funds. **Madalyn Quinlan** said there is no

federal money in the general budget. The monies would not interact.

Closing by the Sponsor:

REPRESENTATIVE OLSON said I have never been afraid of the voters. In the 10 years on the Roundup School Board, we never asked for the full 4%. There were times we wished we could have, there were times we wished we could have gone over that. The only way an increases can come, is with a vote of the people. That is a sacred trust between the trustees and the voters. This isn't necessarily going to make all districts go right to the cap, but it is going to make some trustees sit down and think about what they have to do. If they get carried away, they have one shot, and that is it.

EXECUTIVE ACTION ON HB 32

Discussion:

REPRESENTATIVE LAWSON recommended a do pass for the bill and it's amendments. The amendments were talked about when the presentation of the bill was made.

Connie Erickson, LSD, explained the amendment. There is really only one amendment, but must be applied twice in the bill. The bill says that a school district may when calculating their ANB include an adult who is 19 or 20 years of age. The amendment drops it down from 21 to 20.

REPRESENTATIVE LAWSON said we have no new fiscal note for the bill after the amendment. We don't know what it will reflect. The fiscal note is not a concern to me. I think it will be lower than the original fiscal note, but by how much, I don't know. I am still depending on the drop in ANB to generate the money, the decline in ANB statewide, to account for the kids we pick up to be counted in this category for ANB.

REPRESENTATIVE MANGAN said this is a great bill. I like the way it is written. I don't see the problem with the age as written without the amendment. I don't know why **REPRESENTATIVE LAWSON** wants to carry the amendment. First, it is at the discretion of the local district, so they decide who participates. I like the fact that this bill talks about a diploma, not a GED. We all know a diploma program is different than a GED program. I am going to vote against the amendment because I like the original bill.

REPRESENTATIVE LEHMAN said as he understands the bill, it has to do with funding. At present, a school district, at their discretion, can accept any age for the purpose of educating. They don't get ANB money for students 19 or older on the September date. This bill gives ANB to students within the age range to the district.

REPRESENTATIVE MUSGROVE said at the age of 21, a student is fully accorded his legal majority. Teachers would be concerned about that age.

REPRESENTATIVE OLSON said **REPRESENTATIVE LEHMAN** had some good points. Schools around the state may not have room in their budget to take older students into their programs without the fiscal aid. We need to fund such students.

REPRESENTATIVE JACKSON expressed that he is uncomfortable with the bill. He believes the amendment helps. His concern is that schools may be inclined to take part in this program for the money and not for the best interest of the kid. In his professional experience, the people we are talking about educating are the most difficult to work with. You have drug problems, counseling problems, kids wanting love. What they want most is a new opportunity, they want a job more than a high school diploma. The vocational aspect is very important and they need this training along with some academics. We have other alternatives for these kids.

Motion/Vote: **REPRESENTATIVE MANGAN** moved that the Amendment for **HB 32 DO PASS**. **Motional Carried 12 - 6 REPRESENTATIVES GALVIN-HALCRO, BIXBY, BRANAE, JACOBSON, MANGAN, AND WADDILL** voted no.

Motion: **REPRESENTATIVE LAWSON** moved that **HB 32 DO PASS**.

Discussion:

REPRESENTATIVE MANGAN said I do not think there is one group out in the educational field that will be marketing for this group. In his opinion, any 19 or 20 year old that stands before the school board to request being allowed to go back to school to get their diploma deserves that opportunity. He would not perceive any problems.

REPRESENTATIVE GALVIN-HALCRO responded that this is a huge step for teachers. I recommend full support for the bill.

REPRESENTATIVE ANDERSEN asked how it would work if a student turns 19 during the school year.

Connie Erickson, said if a child turns 19 during the school year, the **Attorney General's** opinion says the age of the child on September 10, remains his age for the school year.

REPRESENTATIVE ANDERSEN asked if there had been any discussion on what would happen if a 19 year old went before a local school board and requested a chance to go to school and get needed credits and the school board said no? Then a couple of years later a different 19 year old made the same request of that school board, and the school board said yes. Would there be some liability involved?

REPRESENTATIVE LAWSON said that question had not come up. He stressed that this is a local discretionary decision made by the local school board. Based on that, they must accept any liability that comes out of their decision making.

REPRESENTATIVE PETERSON said there could be a liability in **REPRESENTATIVE ANDERSEN's** question. If the school board acted arbitrarily, there could be liability. If the board had some factual basis for their decision, I think they would be alright.

REPRESENTATIVE WOLERY called for the question.

Vote: Motion Carried by vote of 17 - 1 REPRESENTATIVE JACKSON
voted no.

ADJOURNMENT

Adjournment: 4:30 P.M.

REP. GAY ANN MASOLO, CHAIRMAN

NINA ROATCH, Secretary

GM/NR

EXHIBIT (edh09aad)